



6-6-05

JFW

Attorney Docket No.: 4341P084

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
John Edward Bowers, et al. ) Examiner: Palmer, Phan T. H.  
Application No.: 10/616,244 ) Art Unit: 2874  
Filed: July 8, 2003 )  
For: OPTICAL SWITCH WITH )  
ADJUSTABLE OPTICAL LOSS )  
Date of Allowance: January 26, 2005 )  
Confirmation No.: 9502 )

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 or PTO/SB/08 together with copies of the documents cited on that form, except for copies not required to be submitted (e.g., copies of U.S. patents and U.S. published patent applications need not be enclosed).

**EXPRESS MAIL STATEMENT**"Express Mail" mailing label number: EV336586740USDate of Deposit: June 3, 2005

I hereby state that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Christopher P. Marshall (Typed or printed name of person mailing paper or fee)

6/3/2005 (Signature of person mailing paper or fee)

(Date Signed)

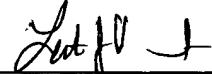
Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

If there are any additional charges, please charge Deposit Account No. 02-2666.

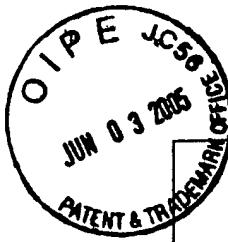
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 3, 2005

  
\_\_\_\_\_  
Lester J. Vincent  
Reg. No. 31,460

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Los Angeles, CA 90025  
(408) 720-8300

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** 0.00**Complete if Known:**

Application No. 10/616,244  
Filing Date July 8, 2003  
First Named Inventor John Edward Bowers  
Examiner Name Palmer, Phan T. H.  
Art Unit 2874  
Attorney Docket No. 4341P084

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify)

Deposit Account

Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

Charge fee(s) indicated below except for the filing fee

Credit any overpayments.

Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>		<u>Fees Paid (\$)</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Utility application filing fee		
1011	300	2011	150	Utility search fee		
1111	500	2111	250	Utility examination fee		
1311	200	2311	100			
1012	200	2012	100	Design application filing fee		
1112	100	2112	50	Design search fee		
1312	130	2312	65	Design examination fee		
1013	200	2013	100	Plant filing fee		
1113	300	2113	150	Plant search fee		
1313	160	2313	80	Plant examination fee		
1004	300	2004	150	Reissue filing fee		
1114	500	2114	250	Reissue search fee		
1314	600	2314	300	Reissue examination fee		
1005	200	2005	100	Provisional application filing fee		

SUBTOTAL (1) \$ 0.00

**2. EXCESS CLAIM FEES**

<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
Total Claims _____ - 20 or HP = _____	X _____ = _____	
HP = highest number of total claims paid for, if greater than 20		
Independent Claims _____ - 3 or HP = _____	X _____ = _____	
HP = highest number of independent claims paid for, if greater than 3		
Multiple Dependent Claims _____ = _____		
 <b>Large Entity</b> <b>Small Entity</b>		
<b>Fee</b> <b>Fee</b> <b>Fee</b> <b>Fee</b>		
<b>Code</b> <b>(\$)</b> <b>Code</b> <b>(\$)</b>	<b>Fee Description</b>	
1202    50      2202    25	Each claim over 20	
1201    200     2201    100	Each independent claim over 3	
1203    360     2203    180	Multiple dependent claims, if not paid	
1204    200     2204    100	Reissue: each claim over 20 and more than in the original patent	
1205    50      2205    25	Reissue: each independent claim more than in the original patent	
	<b>SUBTOTAL (2) \$ 0.00</b>	

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	– 100 = _____ / 50 = _____ (round up to whole number)	X _____		
<b>Large Entity</b> <b>Small Entity</b>				
<b>Fee</b> <b>Fee</b> <b>Fee</b> <b>Fee</b>				
<b>Code</b> <b>(\$)</b> <b>Code</b> <b>(\$)</b>	<b>Fee Description:</b> Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):			
1081    250     2081    125	Utility			
1082    250     2082    125	Design			
1083    250     2083    125	Plant			
1084    250     2084    125	Reissue			
	<b>SUBTOTAL (3) \$ 0.00</b>			

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fees Paid (\$)</u>
<u>Fee</u>	<u>Fee</u>	<u>Fee</u>	
<u>Code</u>	<u>Code</u>	<u>Code</u>	
1051	130	2051	Surcharge - late filing fee or oath
1052	50	2052	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	Non-English specification
1812	2,520	1812	For filing a request for ex parte reexamination
1813	8,800	1813	Request for inter parties reexamination
1804	920*	1804	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	Requesting publication of SIR after Examiner action
1251	120	2251	Extension for reply within first month
1252	450	2252	Extension for reply within second month
1253	1,020	2253	Extension for reply within third month
1254	1,590	2254	Extension for reply within fourth month
1255	2,160	2255	Extension for reply within fifth month
1401	500	2401	Notice of Appeal
1402	500	2402	Filing a brief in support of an appeal
1403	1,000	2403	Request for oral hearing
1451	1,510	1451	Petition to institute a public use proceeding
1452	500	2452	Petition to revive – unavoidable
1453	1,500	2453	Petition to revive - unintentional
1501	1,400	2501	Utility issue fee (or reissue)
1502	800	2502	Design issue fee
1503	1100	2503	Plant issue fee
1462	400	1462	Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	Processing fee under 37 CFR 1.17(q)
1806	180	1806	Submission of Information Disclosure Stmt
8021	40	8021	Recording each patent assignment per property (times number of properties)
1809	790	2809	For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	130	2814	Statutory Disclaimer
1810	790	2810	For each additional invention to be examined (see 37 CFR 1.129(b))
1801	790	2801	Request for Continued Examination (RCE)
1802	900	1802	Request for expedited examination of a design application
1504	300	1504	Publication fee for early, voluntary, or normal pub.
1505	300	1505	Publication fee for republication
1803	130	1803	Request for voluntary publication or republication
1808	130	1808	Processing fee under 37 CFR 1.17(l) (except provisionals)
1454	1,370	1454	Acceptance of unintentionally delayed claim for priority
Other fee (specify) _____			
Other fee (specify) _____			
<b>SUBTOTAL (4) \$ 0.00</b>			

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Lester J. VincentSignature: Lester J. VincentDate: June 3, 2005Reg. Number: 31,460Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

**Attorney or Party in Interest:** *[Name]*, *[Address]*, *[City], *State* *Zip Code**

Examiner Signature		Date Considered	
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English Translation is attached.

Applicant's unique claim designation number (optional).  Applicant is to place a check mark here if English Translation is attached.  
This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**Summary of USPTO Kind Codes Used on Documents Published Beginning January 2, 2001**

<b>WIPO ST.16 Kind Codes</b>	<b>Kind of document</b>	<b>Comments</b>
A1	Patent Application Publication	Pre-grant publication available March 2001
A2	Patent Application Publication (Republication)	Pre-grant publication available March 2001
A9	Patent Application Publication (Corrected Publication)	Pre-grant publication available March 2001
B1	Patent	No previously published pre-grant publication
B2	Patent	Having a previously published pre-grant publication and available March 2001
C1, C2, C3...	Reexamination Certificate	Previously used codes B1 and B2 are now used for granted Patents
E	Reissue Patent	No change
H	Statutory Invention Registration (SIR)	No change
P1	Plant Patent Application Publication	Pre-grant publication available March 2001
P2	Plant Patent	No previously published pre-grant publication
P3	Plant Patent	Having a previously published pre-grant publication and available March 2001
P4	Plant Patent Application Publication (Republication)	Pre-grant publication available after March 2001
P9	Plant Patent Application Publication (Corrected Publication)	Pre-grant publication available March 2001
S	Design Patent	No change